
HOUSE BILL No. 1062

DIGEST OF INTRODUCED BILL

Citations Affected: IC 35-50-5-3.5.

Synopsis: Identity theft and additional restitution. Provides that a court may order additional restitution to the victim of identity theft for expenses incurred after the defendant's sentencing date.

Effective: July 1, 2003.

Cheney

January 7, 2003, read first time and referred to Committee on Courts and Criminal Code.

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First Regular Session 113th General Assembly (2003)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2002 Regular or Special Session of the General Assembly.

HOUSE BILL No. 1062

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 35-50-5-3.5 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2003]: **Sec. 3.5. (a) This section applies only to a person convicted**
4 **under IC 35-43-5-3.5 (identity deception).**

5 **(b) Except as provided in section 3(i) of this chapter, in addition**
6 **to any sentence imposed under this article for a felony or**
7 **misdemeanor or any restitution imposed under section 3 of this**
8 **chapter, the court may order the person to make additional**
9 **restitution to the victim of the crime, the victim's estate, or the**
10 **family of a victim who is deceased. The court shall base its**
11 **additional restitution order upon a consideration of expenses**
12 **incurred after the person was sentenced, including the following:**

13 **(1) Earnings lost by the victim as a result of the crime,**
14 **including earnings lost while the victim corrected the victim's**
15 **credit report.**

16 **(2) Expenses incurred by the victim to correct the victim's**
17 **credit report, including attorney's fees, accountant fees, and**



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1 other reasonable fees paid to a third party.

2 (3) Any additional interest, penalties, fees, or other economic
3 loss borne by the victim as a result of the crime.

4 (c) The trial court shall determine the amount of additional
5 restitution owed the victim as of the date that the person is released
6 from:

7 (1) incarceration, if the person is incarcerated; or

8 (2) court supervision, if the person is subject to court
9 supervision;

10 whichever is later. However, upon request of the victim, the trial
11 court may determine the amount of additional restitution owed as
12 of an earlier date.

13 (d) A restitution order under this section is a judgment lien that:

14 (1) attaches to the property of the person subject to the order;

15 (2) may be perfected;

16 (3) may be enforced to satisfy any payment that is delinquent
17 under the restitution order by the person in whose favor the
18 order is issued or the person's assignee; and

19 (4) expires;

20 in the same manner as a judgment lien created in a civil
21 proceeding.

22 SECTION 2. [EFFECTIVE JULY 1, 2003] IC 35-50-5-3.5, as
23 added by this act, applies only to crimes committed after June 30,
24 2003.

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